



ASPLUNDH TREE EXPERT CO.

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July 9, 2009

The Honorable Jeff Mays
Chairman, House Energy and Technology Committee
Room 1285 House Office building
Lansing, MI 48909

Re: House Bill No. 4999

Dear Representative Mayes:

As a representative of Asplundh Tree Expert Co., I am concerned about Michigan's Frost Law and its negative impact on utility contractors. Michigan's Frost Law takes effect during the months of March, April and May each year. During these months, weight limits on certain county roads are generally reduced by 35%. This weight limit reduction presents special problems for my company. Many of our utility repair and maintenance vehicles are not able to meet this reduced weight limit; however, the need to support reliable and efficient utility service does not end during those months.

Michigan's Frost Law only partially accommodates itself to the important needs of its citizens and businesses for reliable and efficient utility service. Michigan's utilities and their contractors may use county roads under Michigan's unreduced weight limits to respond to emergencies. However during these three months, utilities, **but not their contractors**, may obtain permits for their vehicles to use county roads under unreduced weight limits for non-emergency utility work such as trenching for underground electric and gas service and tree trimming in preparation for spring storms. Contractors also do much of this work. Denying utility contractors the same ability to obtain permits to use county roads degrades utility industry efforts to operate reliably and efficiently.

We are a substantial company that provides vegetation management services to the utility industry. We perform these services for Indiana Michigan Power, Detroit Edison, Consumers Energy, American Transmission Company and several smaller municipals and co-ops in Michigan. Additionally we have performed contract services for utilities throughout the United States and Internationally. We are headquartered in Willow Grove, PA and have offices in Michigan and throughout the country.

We have been in this business for 80 years. We carry substantial commercial general liability insurance to ensure we are well prepared for the many risks of our business. We employ 28,000 individuals, Over 200 of whom are from Michigan. We make it a priority to follow the rules and be good corporate citizens.

We believe Michigan's current law, which allows utilities permitted use of county roads during March, April and May, is a fair compromise between the interests of maintaining roads and providing reliable and efficient utility service. We are doing the same work as utilities, and that work should be accorded the same privileges and responsibilities whether performed by a utility or its contractor.

I ask for your support of HB 4999 to address this issue. HB 4999 would simply allow utility contractors to use county roads during the months of March, April and May under the same rules that apply to the utilities that employ them.

We appreciate your support. Please call me if you have any questions. I can be reached at (330) 877-8655.

Respectfully,



Dave Sachs
VP/Manager
Asplundh Tree Expert Co.

Cc: Greg Clark
Members of the House Energy and Technology Committee